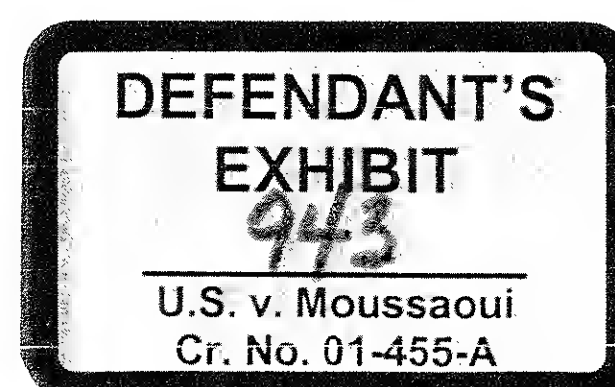


SUBSTITUTION FOR THE TESTIMONY OF
MUSTAFA AHMED AL-HAWSAWI

Hawsawi (“Hawsawi”) is a named unindicted supporting conspirator in this case. Specifically, Hawsawi was a member of al-Qaeda who served as a “financier” of the September 11 attacks, a role given to him by the “mastermind” of the attacks, Khalid Sheikh Mohammed (“Sheikh Mohammed”). In that role, Hawsawi provided funds to a “coordinator” of the September 11 attacks, Ramzi Binalshibh, maintained bank and credit card accounts for at least one of the September 11 hijackers, and arranged lodging for and purchased plane tickets to the United States for some of the hijackers.

Hawsawi was captured in March 2003, and has been interrogated over the course of years on multiple occasions since his capture. None of the attorneys for either the prosecution or defense have been allowed access to Hawsawi, who is not available to testify either in person or by video for national security reasons. However, the lawyers have been given numerous written summaries of Hawsawi’s oral statements made in response to extensive questioning.

Listed below are some of the statements Hawsawi made in response to questioning. You should assume that if Hawsawi were available to testify in this



courtroom under oath and subject to perjury he would have said what is contained in these statements.

Although you do not have the ability to see the witness's demeanor as he testifies, you must approach these statements with the understanding that they were made under circumstances designed to elicit truthful statements from the witness. In evaluating the truthfulness of these statements, you should consider all other evidence in this case, including all exhibits, regardless of which side may have produced the exhibit, and all other witness testimony including summarized statements of other enemy combatant witnesses, that tends to either corroborate or contradict the accuracy of this witness's statements. It is solely up to the jury to decide how much, if any, of any witness's testimony to credit.

Hawsawi's Role in Al-Qaeda and in the 9/11 Operation

1. Mustafa Ahmad Al-Hawsawi (Hawsawi) stated that he became part of al Qaeda's media committee in Afghanistan in approximately July 2000, before Sheikh Mohammed joined the committee in approximately Feb. 2001. Their relationship developed into one of mutual trust and Sheikh Mohammed began assigning him tasks that he did not give to others. Hawsawi lived at the headquarters of the media office.

2. For approximately four to five months during 2000, Hawsawi said he worked as a secretary on al Qaeda's media committee with Abd al-Rahman al-Maghrei. Hawsawi's role was to copy compact discs and reprint articles for the brothers at the guesthouse in Qandahar. After 2000, Hawsawi worked at the direction of Sheikh Mohammed, transferring funds, . . . arranging travel, and procuring goods.
3. The first time that Hawsawi was asked to become involved in operational activities was about March 2001, when he took his second trip to the UAE. Although Sheikh Mohammed did not use the word "operation," Sheikh Mohammed told Hawsawi that he would be purchasing items, receiving and possibly sending money, and possibly meeting individuals whom Hawsawi would contact or who would contact him. Sheikh Mohammed also told Hawsawi that his stay would be lengthy, so he should rent an apartment. Sheikh Mohammed said Hawsawi did not need cover because he was carrying a Saudi passport, and it was a common practice for a Saudi to rent an apartment in the UAE. In approximately August 2001, Hawsawi, with Sheikh Mohammed's blessing, decided to take an English course.

4. Sheikh Mohammed told Hawsawi that he would be in contact with individuals called 'Abd Al-Rahman (Muhammed Atta) and the "Doctor" (Nawaf Al-Hazmi).
5. After renting his apartment, Hawsawi bought furniture, obtained a post office box, health card, and opened a bank account at Standard Chartered Bank. Hawsawi opened his account around May 2001 at the same time 9/11 hijacker Fayz Bani Hammad, who was living with Hawsawi, opened an account at the same bank. Bani Hammad helped Hawsawi open his account because he knew the country's procedures. Bani Hammad provided Hawsawi with information, such as telephone numbers and local references, to help Hawsawi complete his application. Bani Hammad granted Hawsawi power of attorney over his account so that Hawsawi could receive Bani Hammad's credit card and forward it to him. Hawsawi received two transfers into his account from Saudi Arabia in late July or early August 2001 involving small sums of money for Bani Hammad, who was unsure of the number for his own account.
6. Hawsawi used his real name for the apartment lease, post office, health card, and at the bank; however, he mostly used the name of Hashim Abdul

Rahman, in the UAE, for example, to transmit money on two occasions to Ramzi bin al-Shibh via a U.S. company.

Hawsawi's Assistance to the 9/11 Hijackers

7. Four 9/11 hijackers to whom Hawsawi provided assistance while they were in the UAE were: Bilal, aka Salim Al-Hazmi; Abu Al-Abbas, aka 'Abd Al-'Aziz Al-'Umri (both of whom were booked to Orlando); Fayiz Bani Hammad; and Mu'Taz, aka FNU (possibly Sa'id) Al-Ghamdi. Sheikh Mohammed had told him that these individuals were running a big operation. Hawsawi saw Bilal and Abbas in the UAE in approximately early June 2001 and Mu'Taz later in the same month. Hawsawi purchased airline tickets for all four. Fayiz and Mu'Taz paid for the tickets bought for them. Hawsawi instructed these individuals that they would meet somebody at the airport in the U.S. named Abdul Rahman (Mohammed Atta). Hawsawi was in contact with Atta by telephone to find out flight destinations for the four and to provide Atta with their schedules. Hawsawi was also in contact with Atta after the four left to ensure everything was all right. Hawsawi did not advise the operative[s] that they were on a suicide mission. According to Hawsawi, they already would have been informed of

this so that they could put their affairs in order. Hawsawi also did not brief them on security practices to follow in the U.S..

8. Hawsawi first met Fayez Banihammad in Sharja, UAE, in June or July 2001. Hawsawi picked up Banihammad at a hotel after Banihammad called him to tell him he was in the country. They arranged to meet in al-Aruba street near his residence. Hawsawi picked Banihammad up and they talked about Afghanistan. After the meeting, Hawsawi called Sheikh Mohammed to confirm that Banihammad had come from Sheikh Mohammed. Sheikh Mohammed confirmed that Banihammad had and told Hawsawi to “maintain” Banihammad, which Hawsawi meant to keep Banihammad in the UAE until told otherwise. For the next 2-3 weeks, Banihammad stayed in Hawsawi’s apartment.
9. Hawsawi said that Mu’tazz al-Ghamdi first contacted him about a week prior to his eventual departure from the UAE. [A]l-Ghamdi called Hawsawi to tell him he was in the UAE and needed to meet Hawsawi in a few days. After meeting al-Ghamdi, Hawsawi recognized him as someone that he had met briefly in the Qandahar guesthouse in early 2001.
10. According to Hawsawi, Muhammad Atta eventually called him and asked him to buy tickets for Banihammad and al-Ghamdi to travel to the U.S.

together. Banihammad and al-Ghamdi did not travel to the UAE together and did not meet in the UAE until the day they traveled to the United States together. Banihammad and al-Ghamdi did not know they were traveling to the U.S. until Hawsawi gave them their tickets. They were both surprised and excited that they were going to the U.S. Before Banihammad left the UAE, he and Hawsawi went to the Standard Charter Bank in Sharjahi, where they each opened accounts. Hawsawi said that both he and Banihammad opened two accounts – one a regular account and the other a VISA account. Each deposited 22,000 dirhm in the VISA account, and 10,000 dirhm in the regular account. They opened these accounts in true names, not using cover.

11. Hawsawi stated that he bought the tickets to the U.S. for 9/11 hijackers Fayez Banihammad and Mu'Taz al-Ghamdi from the Sanata Travel Agency in Sharja, UAE. He bought the tickets in person from the travel agency and paid in cash, but never gave his name. He could not recall exactly how long Banihammad and al-Ghamdi were in the UAE before leaving for the U.S., but said that it had to be for several days because the tickets did not arrive the same day that he ordered them.

12. Hawsawi also arranged travel to the U.S. through Sharjai, UAE, for Salim al-Hazmi and Abdul-Aziz al-Amri. They had arrived in the UAE together, having traveled to the UAE together from Pakistan. These two arrived in the UAE after Banihammad and al-Ghamdi had already left for the United States. They called Hawsawi after their arrival to tell him that they had arrived. Hawsawi met with them at which time they told him that they were going to travel to Saudi Arabia for a few days. Hawsawi recognized Salim from having seen him in the Qandahar airport during a three day EID celebration held there in 2001. Hawsawi and Salim were not introduced to one another but Salim was actively involved in performances during the celebration so Hawsawi remembered him.
13. Hawsawi said it was less than a week before Salim and Abdul Aziz called him again to tell him they were back in Sharja. Hawsawi called Sheikh Mohammed after their return from Saudi Arabia to tell him they were back from Saudi Arabia and to ask what he should do with them. Sheikh Mohammed told Hawsawi to keep the two of them there in the UAE and wait for instructions. Two or three days later, Muhammad Atta called Hawsawi and told him to send the two to the United States. Before this call, Hawsawi said Salim and Abdul Aziz had spent the time in Sharja, with

Hawsawi taking them out to lunch and dinner. Hawsawi said that they did not travel anywhere, except over to Dubai with Hawsawi once to see that country and have dinner there.

14. Hawsawi thought Salim and Abdul Aziz were surprised when they learned that they were going to the U.S.. When Hawsawi gave them their tickets, they joked with him asking where they were going. Hawsawi said he gave them their tickets and returned their passports to them in the car on the way to the airport. Hawsawi had taken their passports with him to make the needed flight reservations, something he did with all four of the hijackers. Hawsawi remembered looking at each passport briefly and noticed that each one had at least two visas. One of these visas was a U.S. visa, but the other visas he remembered included a United Kingdom visa, a Pakistani visa and a visa to a second European country which Hawsawi could not recall the name of. Hawsawi could not recall which visa was in which of the four passports.

15. Hawsawi stated that he had been contacted by Muhammad Atta 3-5 times while Atta was in the United States. Atta called Hawsawi on each occasion; Hawsawi did not call Atta. During the phone calls, Atta did not disclose his location. Hawsawi stated that he did not send or receive any e-mails from

Atta. Additionally, on either Sept. 8 or 9, 2001, Marwan al-Shehhi called to advise Hawsawi that he was sending him money. Al-Shehhi was in the United States at the time of the phone call. Hawsawi said he was never in contact with Ziad Jarrah, Hani Hanjour, or Nawaf al-Hazmi while they were in the United States.

16. Hawsawi said that on approximately September 8 or 9, 2001, three of the hijackers, Atta, Marwan al-Shehhi and Walid al-Shehhri, called Hawsawi to give him the Hawalah numbers for money they were sending him. Hawsawi [s]aid they gave him no additional information.
17. Atta sent Hawsawi a package with Bani Hammad's ATM card and checkbook in early August 2001. One check was endorsed, but not filled in, and split from the checkbook. Atta also called Hawsawi on approximately 9/9/01 to give him a transfer number for funds sent via a U.S. company. Hawsawi received calls and transfer numbers from Marwan Al-Shehi and Walid Al-Shehri in the same period. All three sent money to Hawsawi before the 9/11 operation.
18. Bin [a]l-Shibh was in the UAE on approximately 9/9/01 and was the one who told Hawsawi when the operation would happen. Ramzi Bin al-Shibh insisted that Hawsawi go to Pakistan to which Sheikh Mohammed agreed.

Before leaving, Hawsawi more or less emptied Bani Hammad's account and deposited the money into his own account.

19. Hawsawi said he remained in the UAE for five months: May to September 2001. Subsequent to leaving the UAE, Hawsawi went to Karachi, Pakistan, and stayed one day in a hotel located in the southern bazaar section of the city. Hawsawi then took a flight the next day to Quetta, Pakistan.

Mohammad Manea Ahmad al-Qahtani

20. Hawsawi said he knew Muhammad Mani' al-Qahtani aka 'Abd al-Rahman al-Janubi. Hawsawi first met him at Sharjah, UAE, in July or August 2001. Sheikh Mohammed sent Hawsawi to meet Qahtani. . . . While in Sharjah, Atta telephoned Hawsawi from the U.S. on Hawsawi's mobile phone, and told Hawsawi to make airline reservations and purchase tickets for five different persons: Qahtani, Ghamdi, Fayez Ahmad al-Ghamdi aka "Mu'Taz", Salim Hazmi, and 'Abd al-Aziz al-Amri. Hawsawi said two or three of the [Emirates] Airline's tickets final destination was Orlando, Florida. Hawsawi could not recall the final U.S. destination for the remainder of the tickets. Hawsawi explained that while on the flight to the U.S., Qahtani did not know how to complete the U.S. immigration and naturalization/customs forms. According to Hawsawi, when U.S.

authorities saw that Qahtani could not answer the questions on the forms to the satisfaction of the U.S. authorities, Qahtani was sent back to the UAE.

21. Hawsawi was told by Sheikh Mohammed and Ramzi Bin al-Shibh that Mani Ahmad al-Sha'lan al-Qahtani was to be the "last one" and was sent to the U.S. to "complete the group." Sheikh Mohammed told Hawsawi that Qahtani would come to him August 2001. Sheikh Mohammed had given Hawsawi's phone number to Qahtani and told Hawsawi to buy a one way plane ticket to the U.S. via London for Qahtani.
22. Hawsawi recalled that Qahtani was turned away at the Orlando airport just prior to 9/11 because he failed to provide proper information on his entry form. Qahtani then returned to Dubai. Hawsawi took Qahtani to his apartment in Sharjah and then called Sheikh Mohammed to tell him that Qahtani had been turned away from the U.S.
23. Hawsawi said that he assumed that Qahtani went to the U.S. to be one of the hijackers.
24. Qahtani received basic training at the al Faruq camp in Afghanistan and was to receive more training in the U.S.. Qahtani was to contact Atta in the U.S.. Hawsawi said that Atta needed Qahtani to "complete the group."

25. After 9/11, Sheikh Mohammed told Hawsawi that Qahtani's job was to control the passengers.
26. Hawsawi further noted that Qahtani did not speak English.

Zacarias Moussaoui

27. Hawsawi stated that he had seen al Qaeda associate Zacarias Moussaoui (Moussaoui) at a guesthouse in Qandahar, Afghanistan, several times during the first half of 2001; however, Hawsawi said he never spoke with Moussaoui nor did he ever conduct activities with him or on his behalf. Despite being at the guesthouse, which Hawsawi described as the only al Qaeda guesthouse in Qandahar, Hawsawi said that no one ever introduced Moussaoui to him. Hawsawi claimed that he and others knew of Moussaoui by another name, however, Hawsawi could not recall it. They only learned of Moussaoui's true name after he was arrested in the United States. Hawsawi stated repeatedly that he never conducted any activity, be it commercial, financial, travel-related or otherwise, with or on behalf of Moussaoui. Hawsawi further stated that he had no knowledge of Moussaoui's travel or financial dealings or anyone whom may have facilitated those activities for him. Hawsawi added that none of the other brothers talked to him about Moussaoui.

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